

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

November 7, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Vice Mayor Scattini on November 7, 2005, at 6:09 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass and City Clerk Staff Assistant Lynn Shippley.

ABSENT: Mayor Pauline Valdivia and City Clerk Geri Johnson.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of November 7, 2005, was posted on the bulletin board at City Hall on November 3, 2005, at 4:25 p.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Vice Mayor Scattini announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential

cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

Council Member Emerson moved to recess to Closed Session at 6:10 p.m. to discuss the items listed above. Motion seconded by Council Member Pike and carried by a 4-0-1 vote, Mayor Valdivia absent.

The City Council reconvened at 6:31 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Staff Assistant Lynn Shippley.

ABSENT: Mayor Pauline Valdivia and City Clerk Geri Johnson.

VERIFICATION OF AGENDA POSTING:

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PRESENTATION:

Chief of Police Miller presented medals to five Hollister Police Officers and two San Benito County Sheriff's Deputies for actions taken on May 9, 2005: Police Sergeants James Egan and Dan Winn, Officers David Blair, David Westrick, Shannon Moretti, and Sheriff's Deputies John Pena and Roy Iler. These Officers and Deputies have each been awarded the John H. Cover medal of Non-Lethal Heroism from TASER International in recognition of officers who use less-lethal force and heroically put their lives on the line to save a life.

PROCLAMATION:

Vice Mayor Scattini proclaimed November 7-13, 2005, to be Key Club Week in the City of Hollister. Council Member Johnson read the Proclamation and presented it to Key Club member Serena Schelione.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had met in Closed Session to discuss the following and no action was taken:

1. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organization: Hollister Peace officers Association.

A. CONSENT RESOLUTION (November 7, 2005):

2. Warrant Registers.
 - (a) Received transmittals, Warrant Registers, from Administrative Services Director Galvan.
 - (b) Ratified and approved Warrant Registers dated:
October 13, 2005, in the amount of \$172,640.85

October 21, 2005, in the amount of \$645,835.44

3. Resolution No. 2005-147, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF STREETS FOR THE RANCHO-MAZE MIDDLE SCHOOL BAND PRACTICE.
 - (a) Received transmittal dated October 26, 2005, Resolution Approving Temporary Closure of Streets for the Rancho-Maze Middle School Bands, from City Clerk Johnson.
 - (b) Adopted Resolution No. 2005-147, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF STREETS FOR THE RANCHO-MAZE MIDDLE SCHOOL BAND PRACTICE.
4. ABC License Reviews - Panchos Restaurant and Plaza 156.
 - (a) Received transmittal dated October 13, 2005, ABC License Reviews - Panchos Restaurant and Plaza 156, from City Clerk Johnson.
 - (b) Acknowledged receipt of the ABC license reviews for Panchos Restaurant at 204 Fourth Street and Plaza 156 at 1615 San Juan Road and ordered them filed.
5. Ratify Appointments to the Hollister Independence Rally Sub-Committees.
 - (a) Received transmittal dated October 26, 2005, Ratify Appointments to the Hollister Independence Rally Sub-Committees, from City Manager Quilter.
 - (b) Ratified the appointments of Council Members Emerson and Johnson to the Finance, Organizational, & Relationship Sub-Committee and Council Member Pike and Vice Mayor Scattini to the Public Safety Sub-Committee made at the Special City Council meeting held on October 24, 2005.
6. Resolution No. 2005-148, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE ACQUISITION OF AN ELECTRICAL MOTOR CONTROL SUB PANEL.
 - (a) Received transmittal dated October 19, 2005, A Resolution of the City Council of the City of Hollister authorizing the City manager to execute

- a purchase order for the acquisition of electrical motor control sub panel, from Community Services Director Lee.
 - (b) Adopted Resolution No. 2005-148, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE ACQUISITION OF AN ELECTRICAL MOTOR CONTROL SUB PANEL.
7. Resolution No. 2005-149, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH PACIFIC MUNICIPAL CONSULTANTS (PMC).
- (a) Received transmittal dated October 26, 2005, A Professional Services Contract with Pacific Municipal Consultants (PMC), from Development Services Director Avera.
 - (b) Adopted Resolution No. 2005-149, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH PACIFIC MUNICIPAL CONSULTANTS (PMC).
8. Resolution No. 2005-150, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DENYING THE APPEAL OF SHARON SAUSED0 AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO REVOKE HOME OCCUPATION PERMIT No. 2004-16.
- (a) Received transmittal dated October 30, 2005, A Resolution of the City Council of the City of Hollister Denying the Appeal of Sharon Sausedo and Upholding the Decision of the Planning Commission to Revoke Home Occupation permit No. 2004-16, from Development Services Director Avera.
 - (b) Adopted Resolution No. 2005-150, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DENYING THE APPEAL OF SHARON SAUSED0 AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO REVOKE HOME OCCUPATION PERMIT No. 2004-16.

Council Member Pike moved to adopt the Consent Resolution (November 7, 2005) as stated above. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

ITEMS PULLED FROM CONSENT RESOLUTION (November 7, 2005):

1. Minutes of the Regular Meeting of October 17, 2005 and the Special Meetings of October 10, and October 24, 2005.
 - (a) Received the Regular Meeting of October 17, 2005 and the Special Meetings of October 10, and October 24, 2005.
 - (b) Council Member Johnson moved to approve the Minutes of the Regular Meeting of October 17, 2005, and the Special Meetings of October 10, and October 24, 2005, as submitted. Motion seconded by Council Member Pike and carried by a 4-0-1 vote, Mayor Valdivia absent.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.
 - (a) None.
2. Letter from the Gang Task Force Advisory Board.
 - (a) Received letter dated September 28, 2005, from Hollister Gang Task Force Advisory Board Chairman Rick Maddux endorsing the efforts to expand the San Benito County Jail.
 - (b) Chief of Police Miller reiterated the Gang Task Force Advisory Board's support of the expansion.
 - (c) City Council consensus for staff to gather additional information especially to find out what the County is doing for support of the expansion.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-151, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH THE FEDERAL AVIATION ADMINISTRATION (FAA).
 - (a) Received transmittal dated October 24, 2005, Adopt Resolution authorizing execution of Lease between the City of Hollister and the Federal Aviation Administration, from City Manager Quilter.

- (b) Council Member Emerson moved to adopt Resolution No. 2005-151, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH THE FEDERAL AVIATION ADMINISTRATION (FAA). Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia absent.
- 2. Resolution No. 2005-152, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES MASTER CONTRACT WITH RMC WATER AND ENVIRONMENT.
 - (a) Received transmittal dated October 27, 2005, A Resolution Approving the Professional Services Contract with RMC Water and Environment, from Interim Engineering Manager Wittry.
 - (b) Council Member Pike moved to adopt Resolution No. 2005-152, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES MASTER CONTRACT WITH RMC WATER AND ENVIRONMENT. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.
- 3. Resolution No. 2005-153, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE PURCHASE OF A SCHWARZE A7000 STREET SWEEPER.
 - (a) Received transmittal dated October 27, 2005, Purchase of New Street Sweeper, from Community Services Director Lee.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-153, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE PURCHASE OF A SCHWARZE A7000 STREET SWEEPER. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia absent.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

- 1. Reports from City Council Committees.
 - (a) Council Member Emerson reported on the Homeless Task Force Committee.
 - (b) Council Member Pike reported on the Public Safety Sub-Committee. They concluded that there was no over staffing of law enforcement at the

motorcycle rally.

2. Reports from City Council, City Manager, City Attorney, and Staff.
 - (c) City Manager Quilter - a work shop will be held on November 14 at 6:00 p.m. regarding the motorcycle rally.
 - (d) City Attorney Cass - nothing to report.
 - (c) City Clerk Johnson - absent.
 - (d) City Council Member Pike, District 1 - continued to work on the Public Safety Sub-Committee and reminded everyone to honor Veterans on Veteran's Day, November 11.
 - (e) City Council Member Emerson, District 4 - welcomed the students from San Benito High School.
 - (f) City Council Member Johnson, District 5 - thanked the Free Lance for sponsoring the "No Tricks, Just Treats" Halloween event; thanked the pilots who volunteered their time and planes for the Young Eagles program; congratulated Habitat for Humanity on their first fund raiser which had a good turnout, and congratulated Mandy Rose on being name woman of the year for the San Benito LULAC.
 - (g) City Council Member Scattini, District 2 - thanked the VFW Ladies Auxiliary, congratulated Muenzer's Cyclery and Sports Center on their 95 years in business, and welcomed the Big 5 store to Hollister.
 - (h) Mayor Valdivia, District 3 - absent.
3. Water and Wastewater Issues.
 - (a) Received oral report from City Manager Quilter.
 - (b) Information only; no City Council action taken.
4. Recommendation by Parks and Recreation Commission regarding Vista Park Hill Master Plan.
 - (a) Received transmittal dated October 24, 2005, Recommendation by Parks and Recreation Commission Regarding Vista Park Hill Master Plan, from Community Services Director Lee.
 - (b) Tod duBois, Hollister, CA commented on the un-maintained park area which has fire issues every year.
 - (c) Robin Pollard, Hollister, CA supports the idea of a Master Plan for Park Hill. The park should be improved and made safer so that more people use the area.
 - (d) Council Member Johnson moved for staff to obtain proposals for a

Master Plan for Park Hill and to verify if the proposal will fit within the allowed budget. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

5. Recommendation by Parks and Recreation Commission regarding Policing and Enforcement of Rules at the Danny Yetter Memorial Skate Park.
 - (a) Received transmittal dated October 24, 2005, Recommendation by Parks and Recreation Commission Regarding Policing and Enforcement of Rules at Danny Yetter Memorial Skate Park, from Community Services Director Lee.
 - (b) City Council discussion.
 - (c) Council Member Johnson moved to direct staff to do an education outreach to support the police efforts and come back with a report in 90 days. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.
6. Request by the Veterans of Foreign Wars (VFW) Ladies Auxiliary for Use of the Veterans Memorial Building.
 - (a) Received transmittal dated October 27, 2005, Request by the Veterans of Foreign Wars (VFW) Ladies Auxiliary for Use of Veterans Memorial Building, from Community Services Director Lee.
 - (b) Council Member Johnson moved to change the policy to allow the VFW Ladies Auxiliary to use the Veterans Memorial Building twice a year for their fund raisers. Motion seconded by Council Member Pike and carried by a 4-0-1 vote, Mayor Valdivia absent.
7. Hollister Municipal Airport status report.
 - (a) Received oral report from Airport Manager Gere.
 - (b) Information only; no City Council action taken.
8. Appointment to the Gang Task Force Advisory Board.
 - (a) Received transmittal dated November 7, 2005, Appointment of San Benito County Chief Probation Officer to the Gang Task Force Advisory Board, from Chief of Police Miller.
 - (b) Vice Mayor Scattini appointed Deborah Botts to the Gang Task Force Advisory Board.
 - (c) Council Member Pike moved to ratify the appointment of Deborah Botts

to the Gang Task Force Advisory Board. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

9. General Plan Public Hearing.

- (a) Received transmittal dated October 31, 2005, General Plan Public Hearing, from Development Services Director Avera.
- (b) The Public Hearing regarding the General Plan Update will be held on November 21, 2005.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of November 7, 2005, was adjourned at 9:12 p.m. by motion of Council Member Pike. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia.

Respectfully submitted,



Lynn Shippley
City Clerk Staff Assistant